

Message

From: Kadeli, Lek [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=39EFEE1E9A134AFCBFDBE386067C3462-KADELI, LEK]
Sent: 2/28/2020 8:40:52 PM
To: Alexandra Dunn (dunn.alexandra@epa.gov) [dunn.alexandra@epa.gov]; Dekleva, Lynn [dekleva.lynn@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Fischer, David [Fischer.David@epa.gov]
Subject: FW: Selective notes from FY 2021 HEC Budget Hearing of 2-27-2020
Attachments: FY21 HEC Hearing Summary Notes_02-27-2020.docx

Here is the attachment.

Regards,

Lek

Lek G Kadeli
Acting Deputy Assistant Administrator for Management
Office of Chemical Safety and Pollution Prevention
United States Environmental Protection Agency
Direct Line: 202-564-6696
Kadeli.Lek@EPA.Gov

From: Nguyen, Khanh <Nguyen.Khanh@epa.gov>
Sent: Friday, February 28, 2020 11:59 AM
To: Kadeli, Lek <Kadeli.Lek@epa.gov>
Cc: Mayes, Desmond <Mayes.Desmond@epa.gov>; Wise, Louise <Wise.Louise@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Kochis, Daniel <Kochis.daniel@epa.gov>
Subject: Selective notes from FY 2021 HEC Budget Hearing of 2-27-2020

Hello Lek,

Based on popular demand last year by Senior Leaders (see below email trail), Dan captured key points pertain OCSPP from yesterday's HEC hearing. Please see attached for your information and forward to Alex and David if you think they'll be interested.

We'll share with offices (ODs, DODs, budget POCs) separately to provide adequate time for preparing the official transcript inserts where required.

Thanks
Khanh

Khanh Nguyen
Senior Budget Officer
Director, Resource Management and IT Staff
OCSPP-OPMO
(Office) 202-564-1452
Personal Privacy / Ex. 6
WCJ East 3413

From: Kochis, Daniel

Sent: Tuesday, April 09, 2019 4:29 PM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>

Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Scott, Gregory <Scott.Gregory@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>

Subject: RE: OCSPP related HAC & SAC Hearing notes

Hi Alex. Below are excerpts from today's HEC hearing relevant to OCSPP. If there are any questions, please let us know.

House Energy and Commerce Committee hearing: <https://www.youtube.com/watch?v=Rh0HI78kxxg>

Tonko (32:30): We've previously discussed the **Strengthening Transparency in Regulatory Science** proposed rule. What is the status?

- Administrator: We're still working on it. Intend to move forward with it before the end of this year.
- Tonko: You sent a letter to Senator Carper committing to submit EPA's **systematic review method for TSCA risk evaluations** to the National Academy of Sciences for review. What is the status of the Academy's review?
- Administrator: Data for the first 10 chemical evaluations have been submitted, won't be completed until the end of this year.
- Tonko: Will the Academy have complete discretion in selecting the scope and membership of the review team?
- Administrator: Yes.
- In 2017, ORD developed a review report for OPP on epidemiology and health effects research of exposure to **glyphosate**. Why was that work not included in your public release of that research and will you release it now?
- Administrator: I'll need to get back to you.
- Tonko: The **IRIS handbook** was ready for release in December 2018. Will you release it publicly now?
- Administrator: It's not yet complete. I'll get back to you on the deadline.
- Tonko: **Formaldehyde** was recently designated as a high priority candidate for risk evaluation under TSCA. Long delayed review under IRIS. What is the status of the IRIS formaldehyde assessment and will that inform the risk evaluation process under TSCA?
- Administrator: Yes it will. We're not moving forward with the IRIS review at this time. We can regulate under TSCA, but not IRIS.
- Tonko: Will the IRIS assessment be released for interagency review and what are the plans for external scientific peer review?
- Administrator: Program offices submitted high priority chemical lists for IRIS. Formaldehyde was identified as high priority. We decided it would be more timely and effective to assess under TSCA.
- Tonko: As required under IRIS, when can we expect the IRIS formaldehyde risk assessment to be released?
- Administrator: We're not moving forward with the formaldehyde assessment under IRIS. We're moving forward under TSCA.
- Tonko: How would you grant exemptions to the **Strengthening Transparency in Regulatory Science** proposed rule? EPA has kept reports hidden for the benefit of industry; notes PV-29.
- Administrator: If an important scientific study is not available to the public, Administrator should weigh whether it's important to move forward. Evaluate on case by case basis. Not a retroactive option.

Shimkus (37:43): As of three weeks ago, the **number of new chemical notices** awaiting completion of review is 62%, higher than the historical case load of new chemical applications. TSCA mandates completion within 90 days but not later than 180 days. How many of the 527 chemicals are older than 180 days?

- Administrator: 270. Lower than what it was. Challenges within the timeframes. Processing them faster.
- Shimkus: How many are older than 90 days?
- Administrator: 110-120.
- Shimkus: Is this a labor (**TSCA workforce**) or legal problem?
- Administrator: Labor. Implementation challenges. Trying to address the backlog.

- Shimkus: Do you have a plan to devote resources to address older pre-manufacture notices that have been languishing for many months/years?
- Administrator: Yes. 25 new TSCA hires last year, also 25 lost due to attrition.

Pallone (53:55): In 2017, Scott Pruitt committed to expand asbestos risk evaluation to include exposure to legacy asbestos. Still hasn't been done. Will you commit to banning ongoing uses of asbestos under TSCA?

- Administrator: Yes.
- Pallone: Last year, Scott Pruitt committed to banning **methylene chloride**. Now you've moved forward with only a partial ban, leaving commercial uses in place. Will you commit to a commercial use ban?
- Administrator: We're taking comment on a training and certification program.
- Pallone: Pigment Violet 29 studies withheld previously, data tables now redacted. Will you commit to releasing the data tables?
- Administrator: Redacted data was CBI. Legally, we cannot release.
- Pallone: Will you commit to releasing an unredacted **Notice of Violation against Chemours/Dupont**?
- Administrator: Legally required under statute to protect CBI. Chemours has been directed to test hundreds of water supplies.

Johnson (1:09:16): Will the new rule being developed under **TSCA Section 8** address duplicate reporting [of unintended byproducts]?

- Administrator: I believe so, but let me get back to you on the details.

McNerney (1:49:15) Will you commit to using National Institute for Environmental Health Sciences **PFAS research** to ensure regulatory actions are consistent? Significant budget reductions to PFAS research programs.

- Administrator: Yes, working with all federal partners. Most comprehensive multi-media action plan we've ever developed.
- McNerney: Do you commit to ensuring that all PFAS regulatory actions are consistent with the Agency for Toxic Substances and Disease Registry?
- Administrator: Yes. Their numbers are different than ours.

Tonko (2:31:25): [closing statement] **EPA to confirm that [systematic review method for] TSCA risk evaluation was sent to NAS.** Letter sent to EPA from **Dingell, Lujan, Welch in December 2018 on PFAS chemicals and TSCA.** Committee intends to work on PFAS this year. Can EPA provide the information requested within 7 working days?

- Administrator: I'll check on the status of our response. Noncommittal on timing of response.

Thanks,
Dan
564-0445

From: Dunn, Alexandra

Sent: Tuesday, April 09, 2019 3:41 PM

To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>

Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Scott, Gregory <Scott.Gregory@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>; Kochis, Daniel <Kochis.daniel@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>

Subject: Re: OCSPP related HAC & SAC Hearing notes

Can someone do this for today's hearing?

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency

Washington, DC

Sent from my iPhone

On Apr 3, 2019, at 6:16 PM, Bertrand, Charlotte <Bertrand.Charlotte@epa.gov> wrote:

This is great! Thank you Dan!!

From: Beck, Nancy

Sent: Wednesday, April 03, 2019 3:08 PM

To: Scott, Gregory <Scott.Gregory@epa.gov>

Cc: Layne, Arnold <Layne.Arnold@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>; Kochis, Daniel <Kochis.daniel@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>

Subject: RE: OCSPP related HAC & SAC Hearing notes

Many thanks to Dan! Kudos for not only the notes, but also the timestamps so we can find the full dialogue if interested.

All things TSCA!

Nancy B. Beck, Ph.D., DABT

Principal Deputy Assistant Administrator, OCSPP

P: 202-564-1273

Ex. 6 Personal Privacy (PP)

From: Scott, Gregory

Sent: Wednesday, April 3, 2019 3:03 PM

To: Beck, Nancy <Beck.Nancy@epa.gov>

Cc: Layne, Arnold <Layne.Arnold@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>; Kochis, Daniel <Kochis.daniel@epa.gov>

Subject: OCSPP related HAC & SAC Hearing notes

Hi Nancy,

Per our conversation this morning, below are some high level notes that Dan put together on OCSPP related topics that came up during the HAC and SAC hearings. Let us know if you need anything else related to this.

Greg

SAC HEARING (April 3): <https://www.c-span.org/video/?459448-1/epa-administrator-wheeler-testifies-agencys-fiscal-year-2020-budget-request>

Tester (29:40): Has PFAS been banned? Senator mentions firefighting foam specifically.

Administrator: Yes, the worst ones, but there are thousands of chemicals. We are evaluating a SNUR for PFOA/PFAS.

Tester (30:56): Are you familiar with Libby. Serious asbestos problems. Do you plan to finalize the asbestos risk evaluation report by December 2019?

- Administrator: That is the goal. Asbestos is one of the first 10 chemicals evaluated under TSCA. The shutdown in January may impact the schedule.
- Tester: The proposed budget is reduced by 28%, almost one third. Will that reduction impact the report?
- Administrator: No.
- Tester: How long after the report is finalized will it take to pull asbestos products off the market?
- Administrator: SNUR to stop importation of new asbestos products. I can't prejudge a risk assessment before it's complete. EPA will act quickly.

Merkley (1:16:49): Lead is a major health threat to young children. You proposed a reduction to EPA's lead program. Why?

- Administrator: We work closely with HUD on lead paint. EPA is moving forward with our lead dust regulation, should be finalized by June 2019. Also proposing a lead in copper pipe rule, first time modernized in over 20 years. We found that EPA's lead program was duplicative of HUD work. Considering mandatory testing at schools and day care facilities.
- Merkley: You're talking about a future regulation while reducing STAG funding to states for lead testing in schools. More children will be poisoned.
- Administrator: EPA also requested \$50M for Healthy Schools program which will work to address lead and other contaminants in schools.

Daines (1:25:40): Asbestos has caused significant problems in Montana (vermiculite mining, preschool contamination). Eager for EPA to complete the asbestos risk evaluation by December 2019. Thank you for going a step beyond TSCA requirements with the asbestos SNUR. Why did EPA list specific uses of asbestos rather than banning all new uses?

- Administrator: We are about to go final on the SNUR. We are reviewing that particular comment. There was a lot of misinformation in the press when we announced the SNUR last year. The TSCA process takes several years to complete. Asbestos importation was a potential concern. SNUR puts in place a requirement to request permission prior to importing, which didn't exist previously. SNUR is intended to be the stop gap measure until we finish the risk assessment. Moving forward for the first time in over 25 years to address asbestos.

Udall (1:32:10): Overwhelming bipartisan support for the reform of TSCA. Methylene chloride was a watered down regulation, walked back protections for workers. Methylene chloride paint strippers pose an unreasonable risk of acute human lethality, correct?

- Administrator: Yes, correct, but let me confirm the facts you cite. A comment period for training and certification has been instituted, never been in place before. If during the comment period we determine that we cannot have a training and certification program, we can ban it for workers as well. We are evaluating whether the product can be safely used after completing certification and training through the EPA/Federal Government.

HAC HEARING (April 2): <https://www.youtube.com/watch?v=SK2M6lg47EQ&feature=youtu.be>

Lowey (18:12): [opening statement] Disappointed that EPA has decided to delay rulemaking on toxic chemicals like methylene chloride, and suppress science on risk of chemicals like formaldehyde, pesticides and water.

McCollum (1:33:02): EPA management of the IRIS program and GAO's report, Udall letter sent letter last week. EPA appears to be thumbing its nose at Congressional directives. Potential misuse of

appropriated resources. EPA was directed to fund IRIS program with ORD appropriated FTE. However, these FTE were used to support OCSPP. Please explain.

- Administrator: ORD employees were temporarily detailed to Toxics Program as part of OneEPA. These were cross training opportunities. Employees have since returned to ORD.
- Inside EPA April 2 article.

Lawrence (1:15:00): Why are you creating a new \$50M Healthy Schools program when bipartisan programs already exist that assist children in schools?

- Administrator: Current programs are disjointed, ie. TSCA PCB windowsills, indoor air, lead pipes. The new program is intended to evaluate schools holistically.

McCollum (1:35:41): Formaldehyde risk assessment moved from IRIS to TSCA. Now formaldehyde is designated high priority under TSCA. Please explain staff and chemical assessment movement between programs.

- Administrator: Details happen regularly. Working on formaldehyde for 27 years. No regulatory program under IRIS. More substantial and faster support to review formaldehyde under TSCA compared to IRIS.

Simpson (1:47:56): Is EPA following Congressional intent with regard to IRIS.

- Administrator: Yes.